

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

LAWANDA FOUREZ, INDIVIDUALLY,)
AND AS ADMINISTRATOR OF THE)
ESTATE OF FRANK FOUREZ,)
DECEASED,)

Plaintiffs,)

v.)

No. 09-CV-19-DRH-DGW

CHRISTOPHER GREATER AREA)
RURAL HEALTH PLANNING CORP-)
ORATION d/b/a ZEIGLER COMMUNITY)
HEALTH AND DENTAL CENTER;)
DR. CLINT CONNER; MARION)
HOSPITAL CORPORATION d/b/a)
HEARTLAND REGIONAL MEDICAL)
CENTER; HEARTLAND REGIONAL)
MEDICAL CENTER, AN ILLINOIS)
CORPORATION; AND SOUTHERN)
ILLINOIS HOSPITAL SERVICES d/b/a)
HERRIN HOSPITAL,)

Defendants.)

NOTICE OF REMOVAL

Christopher Greater Area Rural Health Planning Corporation d/b/a Zeigler Community Health and Dental Center, Clint Connor, M.D., and the United States of America, by their attorneys, A. Courtney Cox, United States Attorney for the Southern District of Illinois, and Nathan E. Wyatt, Assistant U.S. Attorney, respectfully notifies this Court of removal pursuant to 28 U.S.C. § 2679(d)(2) and 42 U.S.C. § 233(c).

1. Christopher Greater Area Rural Health Planning Corporation d/b/a Zeigler Community Health and Dental Center and Clint Connor, M.D., are defendants in a civil action

now pending in the Circuit Court of the First Judicial Circuit, Williamson County, Illinois, entitled: *Lawanda Fourez, Individually, and as Administrator of the Estate of Frank Fourez, deceased v. Christopher Greater Area Rural Health Planning Corporation d/b/a Zeigler Community Health and Dental Center, Zeigler Community Health and Dental Center, Dr. Clint Connor, Marion Hospital Corporation, d/b/a Heartland Regional Medical Center, an Illinois Corporation, and Southern Illinois Hospital Services d/b/a Herrin Hospital*. A copy of the summons and complaint is attached as Exhibit 1.

2. In the complaint, the plaintiff alleges that defendants committed medical negligence.

3. This action is removable without bond pursuant to 42 U.S.C. § 233 and 28 U.S.C. § 2679(d)(2). Dr. Connor was at all relevant times a deemed employee of the United States Public Health Service, and thus the United States of America. The Christopher Greater Area Rural Health Planning Corporation is also a deemed “employee” of the United States of America pursuant to 42 U.S.C. § 233(g)(1)(a) and (g)(4).

4. Pursuant to 42 U.S.C. § 233(c), the Attorney General, through the United States Attorney, has certified that Dr. Connor and the Christopher Greater Area Health Planning Corporation were acting within the scope of their deemed employment at the time the claim arose. *See* Exhibit B. The authority to certify scope of office or employment has been delegated to the United States Attorney. *See* 28 C.F.R. §§ 15.3, 15.4 (Appx.).

5. Upon such certification, any civil proceeding in a state court may be removed to the United States District Court, and such action shall be deemed to be against the United States as a substituted party. 42 U.S.C. § 233(c).

6. Copies of the notice of removal are being served upon the plaintiff and the Office of the Clerk of the Circuit Court of the First Judicial Circuit, Williamson County, Illinois.

WHEREFORE, the United States of America and Defendants Christopher Greater Area Rural Health Planning Corporation d/b/a Zeigler Community Health and Dental Center and Clint Connor, M.D., remove this action to the United States District Court for the Southern District of Illinois pursuant to 28 U.S.C. § 2679(d)(2) and 42 U.S.C. § 233(c).

Respectfully submitted,

A. COURTNEY COX
United States Attorney

s/Nathan E. Wyatt

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ILLINOIS HOSPITAL SERVICES d/b/a)	
HERRIN HOSPITAL,)	
)	
Defendants.)	

Certificate of Service

I hereby certify that on January 8, 2009, I caused to be electronically filed this **NOTICE OF REMOVAL** with the Clerk of Court, using the CM/ECF system, which will send notification of such filing(s) to the following:

None Known

Notice will be sent by United States certified mail to the following unregistered participants:

Honorable Stuart Hall
Circuit Clerk
Williamson County Courthouse
200 West Jefferson
Marion, IL 62959

Mark D. Prince
Attorney for Plaintiff
P.O. Box 1030
Carbondale, IL 62903

Respectfully submitted,

A. COURTNEY COX
United States Attorney

/s/ Nathan E. Wyatt
NATHAN E. WYATT
Assistant United States Attorney